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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,657	11/26/2003	Mark B. Dominick	136092SV/YOD GEMS:0244	7668
68174	7590	03/02/2010	EXAMINER	
GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			SQUIRES, ELIZA A	
		ART UNIT	PAPER NUMBER	
		3626		
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		03/02/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 2/23/2010 have been fully considered but they are not persuasive.
2. Applicant argues on pages 8-10 of the Remarks that *Kaseya* fails to teach the limitation "wherein the medical device is operable to detect an alteration of at least one of medical device hardware and medical device software by a service provider". The cited portions in the specification amount to mere exemplary embodiments and non-committal definitions at best. Absent any controlling definition in the specification, and since Applicant provides no documentation for a controlling definition of "service provider", Examiner relies on Oxford English Dictionary which defines "service provider" as "an organization that (or occas. a person who) supplies a service of some kind". Since the computer user performs many actions, including servicing the computer, the user may be reasonably considered to be a "service provider". Applicant also argues that the user cannot be a "service provider" as a "professional service provider has been trained and capable of servicing complex medical machinery". A complex machine or training is not recited in the claim and therefore not included within the scope of a "service provider".
3. Applicant additionally argues that *Kaseya* fails to teach "operating the computer system to generate a service report based on a combination of the medical device data and the service provider data." As the claim provides no guidance as to what type of data comprises "medical device data" and "service provider data", one could identify the report of software or hardware changes of *Kaseya* as applicable to both medical device data and service provider data.
4. The rejections are therefore maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./
Examiner, Art Unit 3626
2/26/10

/Robert Morgan/
Primary Examiner, Art Unit 3626